

## LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for March 18, 2015 PLANNING COMMISSION MEETING

Note: This is a combined staff report for related items. This report contains a single background and analysis section for all items.

**PROJECT #:** Annexation #15003 - Firethorn  
Change of Zone #15005

**PROPOSAL:** To annex approximately 60 acres of land, and change the zoning to accommodate an expanded Firethorn community unit plan (CUP), a new office park, and a small land exchange with the existing Firethorn office park.

**LOCATION:** South 84<sup>th</sup> and Van Dorn Streets

**LAND AREA:** Annexation #15003 - Approximately 60 acres  
Change of Zone #15005:  
A. AGR to R-1 - 44.37 acres  
B. O-3 to R-1 - .32 acres  
C. AGR to O-3 - .32 acres  
D. AGR to O-3 - 17.93 acres

**CONCLUSION:** The subject property is adjacent to the city limit, and the full range of municipal services can be provided if annexed. The multi-part change of zone is consistent with the Future Land Use Map and compatible with the adjacent development. Both requests comply with the Zoning Ordinance and are consistent with the Comprehensive Plan.

<b>RECOMMENDATION:</b>
AN#15003
CZ#15003
Approval
Approval

**PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT:** District #2.

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** AN#15003 - See attached legal description.  
CZ#15005 - See attached legal descriptions.

**EXISTING ZONING:** AGR Agricultural Residential, O-3 Office Park

## **SURROUNDING LAND USE AND ZONING:**

North:	Agriculture	AG
South:	Golf Course, residential, office	R-1, O-3
East:	Residential	R-1
West:	Residential, Office, Commercial	R-3, O-3

**EXISTING LAND USE:** Golf Course

## **COMPREHENSIVE PLAN SPECIFICATIONS:**

Pg 1.9 - The Future Land Use Map designates this site for urban density residential and commercial land uses.

Pg. 1.10 - This site is shown in Tier I, Priority C on the Growth Tier Map.

Pg 12.14 - The ANNEXATION POLICY of the 2040 Comprehensive Plan:

Annexation policy is a potentially powerful means for achieving many of the goals embodied in the Plan's Vision. Annexation is a necessary and vitally important part of the future growth and health of Lincoln. The annexation policies of the City of Lincoln include but are not limited to the following:

The provision of municipal services must coincide with the jurisdictional boundaries of the City – in short, it is not the intent of the City of Lincoln to extend utility services (most notably, but not necessarily limited to, water and sanitary sewer services) beyond the corporate limits of the City.

The extension of water and sanitary sewer services should be predicated upon annexation of the area by the City. City annexation must occur before any property is provided with water, sanitary sewer, or other potential City services.

The areas within Tier I Priority A that are not annexed serve as the future urban area for purposes of annexation per state statute and are appropriate for immediate annexation upon final plat. These areas have approved preliminary plans.

To demonstrate the City's commitment to the urbanization of land in Tier I Priority B, the City should annex land that is contiguous to the City and generally urban in character, as well as land that is engulfed by the City. Land which is remote or otherwise removed from the limits of the City of Lincoln will not be annexed.

Annually the City should review for potential annexation all property in Priority B for which basic infrastructure is generally available or planned for in the near term.

Annexation generally implies the opportunity to access all City services within a reasonable period of time.

Voluntary annexation agreements may limit or otherwise outline the phasing, timing or installation of utility services (e.g., water, sanitary sewer), and may include specific or general plans for the private financing of improvements to the infrastructure supporting or contributing to the land uses in the annexed area. The annexation of large projects may be done in phases as development proceeds.

The character of existing residential areas should be respected as much as possible during the annexation process. When low density "acreage" areas are proposed for annexation due to the City's annexation policy, additional steps should be taken to ease the transition as much as possible, such as public meetings, advance notice and written explanation of changes as a result of annexation. In general, many aspects of acreage life may remain unchanged, such as zoning or covenants. However, any annexation of existing residential areas will include some costs which must be the responsibility of property owners.

Annexation to facilitate the installation of improvements and/or possible assessment districts is appropriate if it is consistent with the annexation policies of the Plan listed above.

Plans for the provision of services within the areas considered for annexation shall be carefully coordinated with the Capital Improvements Program of the City and the County.

**ASSOCIATED REQUESTS:** Special Permit #872H for the Firethorn CUP; Use Permit #15005 for the Firethorn Corporate Center; Use Permit #107D for the Firethorn Office Park.

**SPECIFIC INFORMATION:**

**UTILITIES & SERVICES:**

- A. **Sanitary Sewer:** The larger Firethorn CUP connected to the City's sanitary sewer system when it was annexed in 2007. The development drains to the north where sewage is pumped via lift station to where it connects to the public sewer main near South 88<sup>th</sup> Street and Pioneers Blvd. The lift station is privately-owned and maintained by the Firethorn Association. The public sewer main in Pioneers Blvd was up-sized at Firethorn's expense prior to connection, and now has the capacity to handle up to 545 dwelling units in the area bounded by South 70<sup>th</sup> and 84<sup>th</sup> Streets, and Van Dorn Street and Pioneers Blvd. The additional dwelling units, outdoor recreation facility and office park will connect to this same system, and also force sewage via lift station to the public system in Pioneers Blvd. The lift stations are temporary, as the area will connect to the Stevens Creek trunk sewer when it reaches this area.
- B. **Water:** The larger Firethorn development also connected to the City's water system at the time of annexation. This system is available to serve the proposed development as well. To ensure a looped water system and adequate fire flow, the water main in Van Dorn Street needs to be installed. Being an impact fee facility, funds are shown allocated in the the City's 2015 Capital Improvements Program to construct the water line from South 84<sup>th</sup> Street to South 91<sup>st</sup> Street.

- C. **Roads:** All internal streets proposed as part of the development are to be dedicated as private roadways. They will be constructed as part of the development and maintained by an association. Van Dorn Street is adjacent to the north, and is classified as an arterial street. It is currently improved as a two-lane, asphalt county road. It will not be improved to City standards with this development, but temporary turn lanes will be required to be installed by the developer as a condition of approval of the associated special permit for the community unit plan and use permit for the office park.
- D. **Parks and Trails:** The bike trail system extends south along the east side of South 84<sup>th</sup> Street from Adams Street to Old Cheney Road. A future connector from South 84<sup>th</sup> Street to the MoPac Trail is shown on the north side of Van Dorn Street along a drainage channel extending from southwest to northeast, but is beyond the limits of this annexation. Otherwise, there are no trails or park land associated with this development.
- E. **Fire Protection:** After annexation, fire protection will be provided by Lincoln Fire Rescue (LFR). The nearest station is Fire Station #12 at 2201 South 84<sup>th</sup> Street, approximately one-half mile away to the north.

#### **ANALYSIS:**

1. These are related requests for both annexation and a change of zone, and are associated with both the special permit amending the Firethorn community unit plan, and the use permit for a new office park. See the reports for SP#872H and Use Permit #15005 for the detailed reviews and recommendations on those requests.
2. The intent is to annex and re-zone that portion of the Firethorn golf course near the intersection of South 84<sup>th</sup> and Van Dorn Streets. It will accommodate the revised layout for the Firethorn CUP which includes an additional 42 dwelling units and an outdoor recreation facility. It also re-zones approximately 18 acres to O-3 for a new office park.
3. All of the 60 acres being annexed are also being re-zoned, but the change of zone request has four parts.
  - A. AGR to R-1 - 44.37 acres - This is the largest part of the re-zoning application, and is necessary for the revision of the Firethorn CUP to include the proposed 42 dwelling units and the outdoor recreation facility.

B. O-3 to R-1 - .32 acres - Combined with the change of zone described in 'C' below, they will allow for a land exchange designed to reshape Lot 4 (referring to the use permit site plan associated with UP#107D) to occur.

C. AGR to O-3 - .32 acres - See 'B' above.

D. AGR to O-3 - 17.93 acres - This involves the area immediately adjacent to the intersection of South 84<sup>th</sup> and Old Cheney Road. It will allow for an office park containing up to 225,000 square feet of floor area, which also includes the option to convert it to a 150-unit apartment complex.

4. The area to be annexed is located within Tier I, Priority C of the Comprehensive Plan, and can be served by the full range of city services.
5. The subject property is located within the Southeast Rural Fire District #1. Under State law, the District can petition for compensation from the annexing municipality for lost revenue based upon the amount of service area annexed. For voluntary annexations such as this one, any costs due to the district are to be borne by the developer. In this case, staff has conducted a financial analysis and estimates there is no money due the District.
6. The site is designated for future urban density residential and commercial land uses on the Future Land Use Map, and these requests comply with the requirements of the Zoning Ordinance and Comprehensive Plan.

#### **CONDITIONS OF APPROVAL:**

#### **AN#15003**

1. The applicant shall enter into an annexation agreement with the City.

Prepared by:

\_\_\_\_\_  
Brian Will, 441-6362, [bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov)  
March 3, 2015

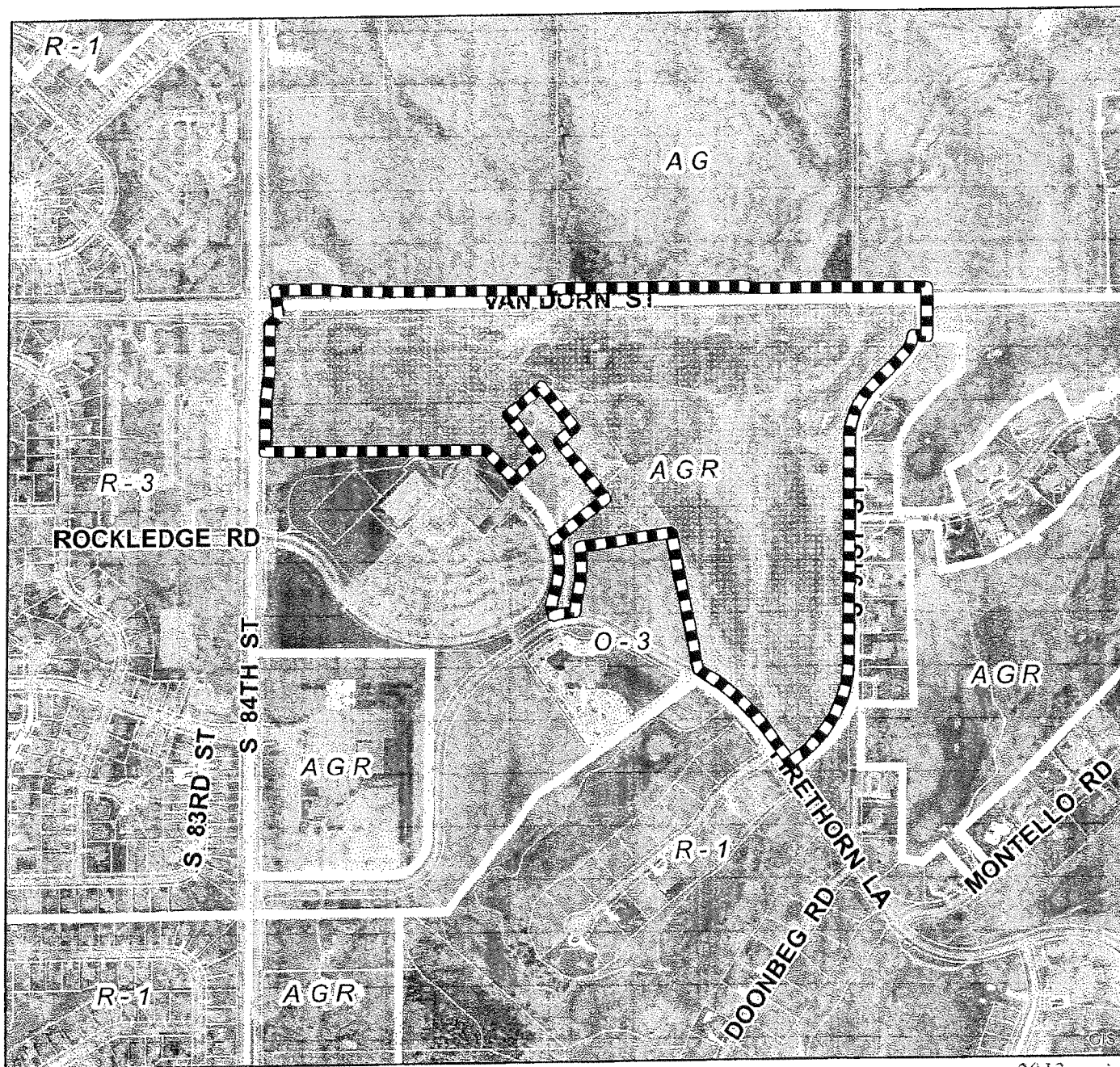
**CONTACT:** DaNay Kalkowski  
Seacrest Kalkowski, LLC  
1111 Lincoln Mall  
Lincoln, NE 68508  
402-435-6000

Annexation #15003  
Change of Zone #15005  
Firethorn

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**APPLICANT:** FT Development II, Inc.  
C/o Mark Wible  
9301 Firethorn Lane  
Lincoln, NE 68516  
402-488-6467

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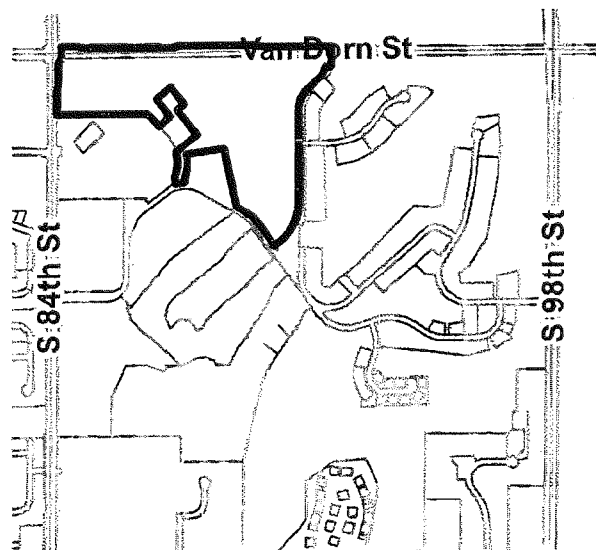
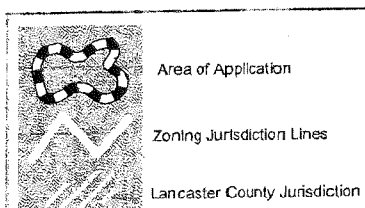
2013 aerial

**Annexation #: AN15003**  
**Firethorn**  
**S 84th & Van Dorn St**

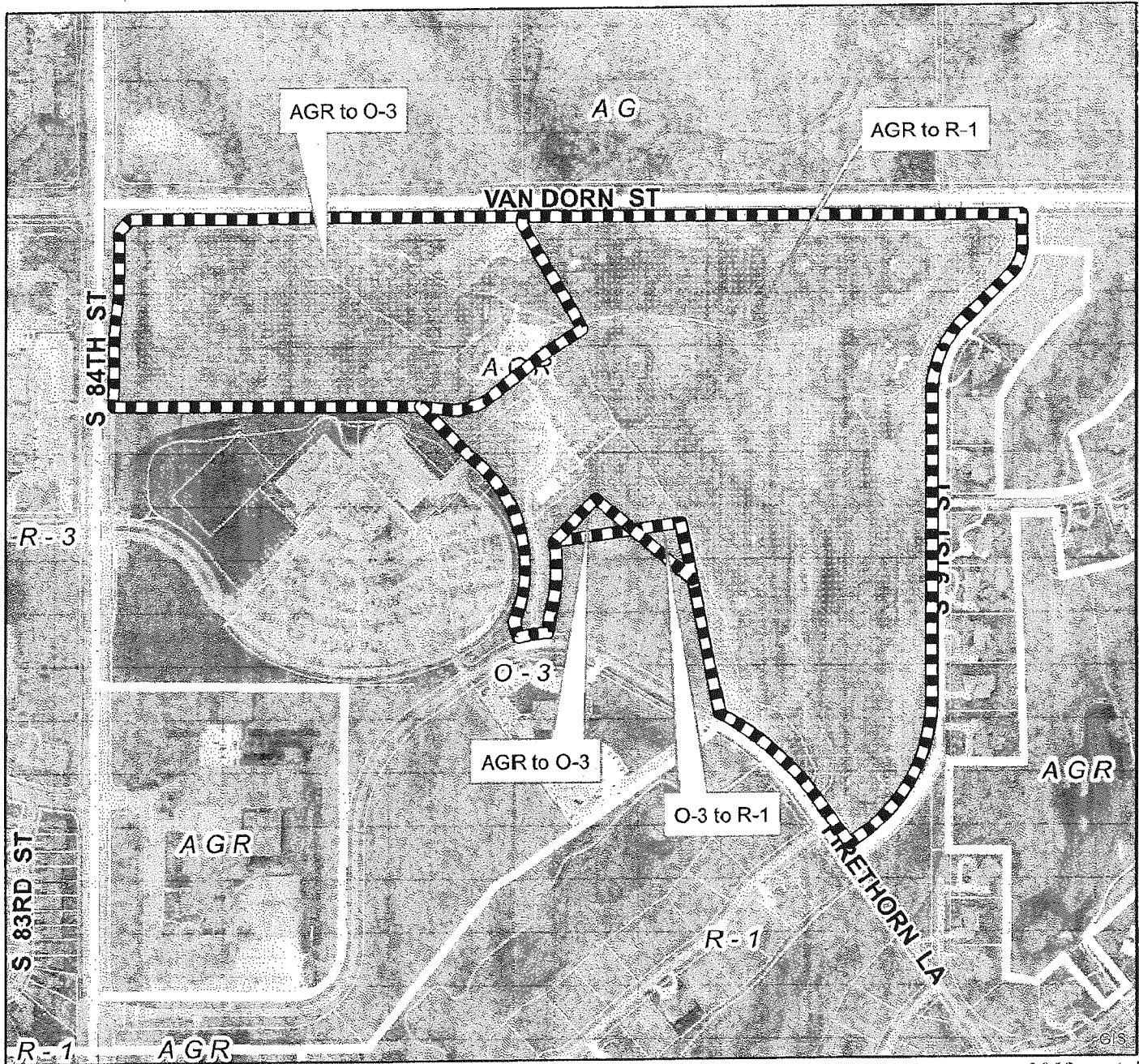
### Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District

One Square Mile:  
 Sec.02 T09N R07E





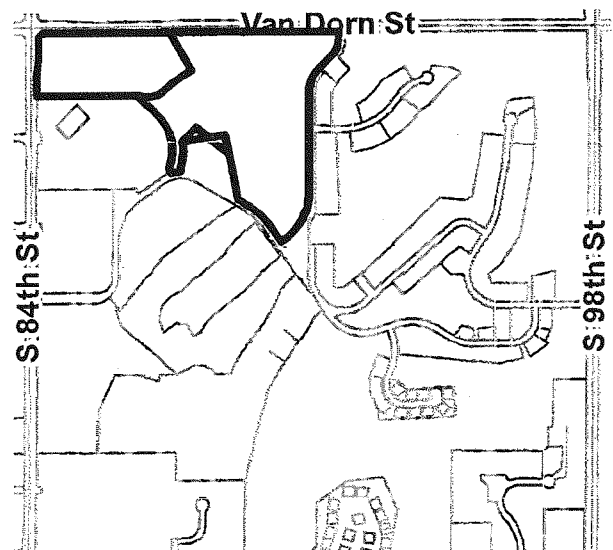
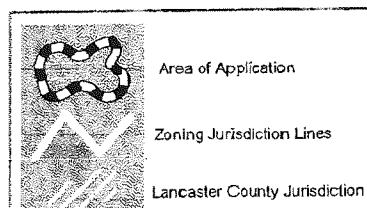


2013 aerial

**Change of Zone #: CZ15005****Firethorn****S 84th & Van Dorn St****Zoning:**

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transillon District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District

One Square Mile:  
Sec.02 T09N R07E





## SEACREST & KALKOWSKI, PC, LLO

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DANAY KALKOWSKI  
E-MAIL: danay@sk-law.com

February 26, 2015

David Cary  
Interim Planning Director  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

RE: Development of Outlot A, Firethorn 17<sup>th</sup> Addition

Dear David:

Our office represents Firethorn Golf Company, L.L.C., the owner of Outlot A, Firethorn 17<sup>th</sup> Addition, Lincoln, Lancaster County, Nebraska (the "Property"), and FT Development Company, Inc. ("Developer"), who has a contract to purchase portions of the Property. Currently, the Property is zoned AGR and is part of Firethorn Special Permit No. 872. The conservation easement previously existing on a large portion of the Property has expired and Developer is ready to move forward with development of the released portion of the Property into residential, recreational facility and office uses. The portion of the Property still subject to the conservation easement will continue to be used for golf course. Developer is making the following applications and requests for development of the Property:

1. Annexation. Developer is requesting annexation of all portions of the Property not already annexed. In 2007, the City of Lincoln approved an Agreement Regarding the Annexation of Firethorn. Developer will be submitting by separate cover an Amendment and Restatement to the Agreement Regarding the Annexation of Firethorn that includes the Property.

2. Changes of Zone. Developer is requesting changes of zone that change the zone of the Property from AGR to R-1 and O-3, and also a change of zone from O-3 to R-1 for a small piece of property that is being traded with a neighboring property owner.

3. Amendment to SP872. Developer is requesting an amendment to Firethorn Special Permit No. 872 ("SP872"). The proposed amendment to SP872 adds eight single family lots and 34 townhome lots west of S. 91<sup>st</sup> Street. It also adds a new recreational facility that includes outdoor tennis, swimming pool, volleyball, putting greens and bocce ball, with an indoor fitness facility and restaurant, that permits the sale of alcohol for consumption on the premises. The amendment also adjusts the boundaries of SP872 to remove approximately 18 acres of the Property located at the southeast corner of S. 84<sup>th</sup> and Van Dorn and adds a small piece of property being traded with a neighboring property owner.

The single family and townhome lots being added to SP872 are a continuation of the existing Firethorn residential development. They will maintain the character of the existing Firethorn lots and will be governed by similar covenants. Consequently, Developer is requesting the following waivers for the new residential area added to SP872 that are consistent with waivers previously approved under SP872 for the existing Firethorn residential development:

- a. L.M.C. 26.27.020 - Request a waiver for sidewalks along the west side of S. 91<sup>st</sup> Street. S. 91<sup>st</sup> Street is an existing roadway that was part of SP872. It was designed and has been constructed without curb and with no plans for a sidewalk on either side. The previous waiver granted under SP872 should continue to apply to the west side of S. 91<sup>st</sup> Street. Sidewalks will be constructed within the townhome area along Birdie Run/Eagle View Way in the location identified on the cross-section shown on the plans.
- b. L.M.C. 26.27.090 - Request a waiver to allow street trees to be planted on private property. SP872 currently allows street trees to be planted on private property, so the City does not plant or maintain street trees within the current Firethorn development.
- c. L.M.C. 26.27.070 - Request a waiver for ornamental lighting. This waiver keeps the character of the existing development and is consistent with past additions to SP872.
- d. Design Standards Chapter 2.25, Section 3.6.2 - Request a waiver to require concrete curbs on both sides of the roadway. This waiver keeps the character of the existing development and is consistent with past additions to SP872. Birdie Run/Eagle View Way within the townhome area will be constructed with rollover curbs.
- e. Waiver to adjust the applicable setbacks to 0' for the front, rear and side yards of Lots 104 through 145. These lots are designed to only include buildable area and will be surrounded by an outlet.

Developer is also requesting a waiver to L.M.C. 26.23.130 to allow blocks in excess of 1,320 feet. Developing property around a golf course and wetland areas provides unique challenges in trying to meet the City's block length standards. In response to feedback from City staff, Developer has worked hard to show road connections within the new development area that minimize block length issues. The proposed amendment to SP872 shows a potential future road connection from the end of Eagle View Way in the townhome area extending to Firethorn Lane. In addition, the proposed plans show a private roadway connection extending from Firethorn Lane north around the existing maintenance facility to connect to the new private roadway that will extend through the proposed new office and recreational facility areas ("S. 88<sup>th</sup> Street"). There are multiple constraints that make locating and constructing S. 88<sup>th</sup> Street a challenge. Consequently, Developer is requesting the following waivers to the City Design Standards in Chapter 2.25 that will allow Developer to utilize the existing 24 feet wide rural roadway section that provides access from Firethorn Lane to the maintenance facility for the first leg of S. 88<sup>th</sup> Street and then extend S. 88<sup>th</sup> Street around the maintenance facility:

Section 3.3.2 Radius for Curves: Request a waiver to minimum centerline radius for curves on private roadways to be 75 feet.

- b. Section 3.5 Roadway Width: Request a waiver to minimum roadway width, measured from edge of pavement to edge of pavement to be 24 feet.
- c. Section 3.6.2 Roadway Cross-Section: Request a waiver to require concrete curbs on both sides of the roadway.

In keeping with the character of the existing road and to accommodate its extension, Developer is also requesting waivers to L.M.C. 26.27 for sidewalks, street trees and ornamental lighting along S. 88<sup>th</sup> Street.

4. New Use Permit. Developer is requesting a new Use Permit for Firethorn Corporate Center permitting 225,000 square feet of O-3 commercial uses on approximately 18 acres located at the southeast corner of S. 84<sup>th</sup> and Van Dorn Streets. This area is adjacent to office and golf course use to the south and the proposed recreational facility to the east. The site plan has been laid out to minimize impacts to existing wetlands and green space. The proposed office uses are consistent with the Comprehensive Plan and will provide a good transition for this area. Developer is requesting a waiver to adjust the applicable setbacks to 0' for the front, rear and side yards of Lots 1 through 7 within Firethorn Corporate Center. These lots are designed to only include buildable area and are surrounded by an outlot for parking and green space.

5. Amendment to Firethorn Addition Use Permit No. 107. In order to accommodate the proposed development of the Property, Firethorn Golf Company, L.L.C. and Firethorn Development Corp. have agreed to swap ownership of small .32 acre parcels of property adjacent to Lot 4, Block 1, Firethorn 17<sup>th</sup> Addition. This swap of property requires an amendment to adjust the boundaries of Use Permit No. 107.

6. Amend Conservation Easement. The swap of land between Firethorn Golf Company, L.L.C. and Firethorn Development Corp. also requires an amendment to the Declaration of Protective Covenants, Conditions and Restrictions Pursuant to the Conservation and Preservation Easement Act recorded in the Office of the Register of Deeds of Lancaster County, Nebraska on September 23, 1998 as Instrument No. 98-049864 (the "Declaration"), to remove .32 acres from the Declaration.

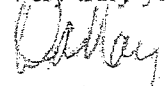
Enclosed please find the following:

1. Legal Description for Annexation;
2. City Application Form for Changes of Zone with legal descriptions attached;
3. City Application Form and Site Plan for Amendment to SP872;
4. City Application Form and Site Plan for new Use Permit;
5. City Application Form and Site Plan for Amendment to UP107; and
6. Application fees in the amount of \$5,534.76;

Brad Marshall at Olsson Associates will be submitting the plans to project docs.

We appreciate your consideration of the above requests and look forward to working with you on this exciting new development for the City. If you have any questions or need any additional information, please do not hesitate to contact me or Brad Marshall.

Very truly yours,

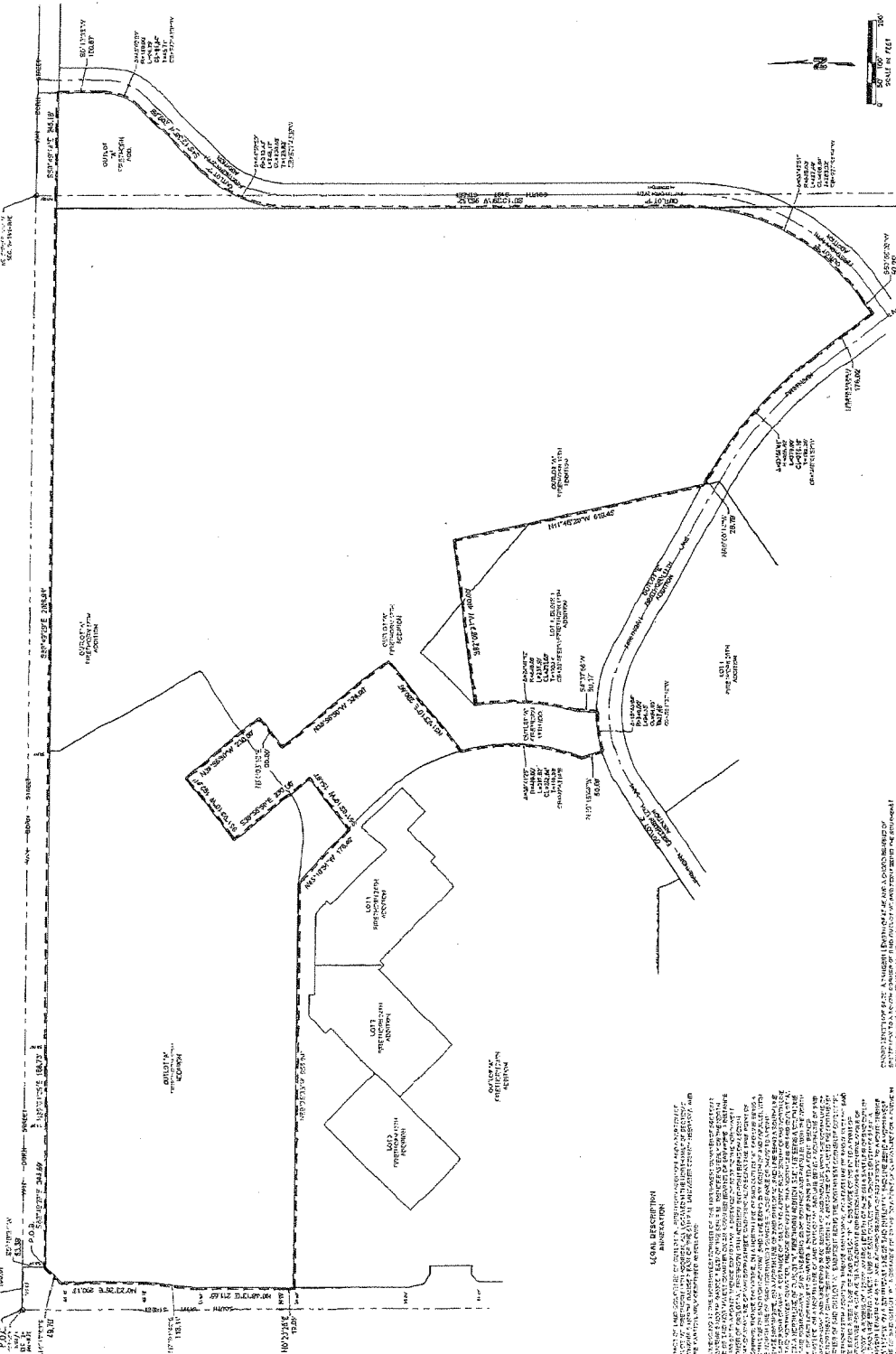


DANAY KALKOWSKI  
For the Firm

Enclosures

cc (via email): Mark Wible  
Richard Youngscap  
Jon Camp

<p><b>MOLLISSON ASSOCIATES</b></p>	<p>REVISIONS</p>	<p>2015</p>	<p>ANNEXATION</p>	<p>1 of 1 SHEET</p>
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**LOCAL DESCRIPTION**

The subject property is located in the City of Lincoln, Nebraska, and is situated on the east side of the city, bounded by 1st St to the north, 2nd St to the south, 3rd St to the west, and 4th St to the east. The property is currently zoned for residential use and is being annexed into the City of Lincoln. The property is owned by [Owner Name] and is being annexed for the purpose of [Purpose]. The property is situated on a lot that is [Size] feet wide and [Size] feet deep. The property is currently vacant and is being annexed for the purpose of [Purpose]. The property is situated on a lot that is [Size] feet wide and [Size] feet deep. The property is currently vacant and is being annexed for the purpose of [Purpose].

The subject property is located in the City of Lincoln, Nebraska, and is situated on the east side of the city, bounded by 1st St to the north, 2nd St to the south, 3rd St to the west, and 4th St to the east. The property is currently zoned for residential use and is being annexed into the City of Lincoln. The property is owned by [Owner Name] and is being annexed for the purpose of [Purpose]. The property is situated on a lot that is [Size] feet wide and [Size] feet deep. The property is currently vacant and is being annexed for the purpose of [Purpose]. The property is situated on a lot that is [Size] feet wide and [Size] feet deep. The property is currently vacant and is being annexed for the purpose of [Purpose].

**LEGAL DESCRIPTION  
CHANGE OF ZONE  
AGR TO R1**

A TRACT OF LAND COMPOSED OF OUTLOT "A", FIRETHORN ADDITION, A PORTION OF OUTLOT "A", FIRETHORN 17<sup>TH</sup> ADDITION, LOCATED IN THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6<sup>TH</sup> P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6<sup>TH</sup> P.M.; THENCE

THENCE S89°49'14"E, ON THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 245.18' TO A POINT; THENCE S00°10'46"W, A DISTANCE OF 50.00' TO THE NORTHEAST CORNER OF OUTLOT "A", FIRETHORN ADDITION, SAID POINT BEING THE NORTHWEST CORNER OF OUTLOT "P", FIRETHORN 27<sup>TH</sup> ADDITION, SAID POINT BEING ON A SOUTH RIGHT-OF-WAY LINE OF VAN DORN STREET, SAID POINT BEING **THE TRUE POINT OF BEGINNING**; THENCE S00°13'38"W, ON A EAST LINE OF SAID OUTLOT "A", SAID LINE BEING A WEST LINE OF SAID OUTLOT "P", A DISTANCE OF 100.67' TO A POINT OF CURVATURE FOR A CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 45°00'00", A RADIUS OF 120.00', AN ARC LENGTH OF 94.25' ON A EAST LINE OF SAID OUTLOT "A", SAID LINE BEING A WEST LINE OF SAID OUTLOT "P", A CHORD LENGTH OF 91.84', A TANGENT LENGTH OF 49.71', AND A CHORD BEARING OF S22°43'38"W, TO A POINT; THENCE S45°13'38"W, ON A SOUTHEAST LINE OF SAID OUTLOT "A", SAID LINE BEING A NORTHWEST LINE OF SAID OUTLOT "P", A DISTANCE OF 209.69' TO A POINT OF CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 44°59'59", A RADIUS OF 313.43', AN ARC LENGTH OF 246.17' ON A EAST LINE OF SAID OUTLOT "A", SAID LINE BEING A WEST LINE OF SAID OUTLOT "P", A CHORD LENGTH OF 239.89', A TANGENT LENGTH OF 129.83', AND A CHORD BEARING OF S22°43'39"W, TO THE SOUTH CORNER OF SAID OUTLOT "A", SAID POINT BEING ON THE EAST LINE OF OUTLOT "A", FIRETHORN 17<sup>TH</sup> ADDITION; THENCE S00°13'39"W, ON A EAST LINE OF SAID OUTLOT "A", SAID LINE BEING A WEST LINE OF SAID OUTLOT "A", AND A WEST LINE OF OUTLOT "P", FIRETHORN 27<sup>TH</sup> ADDITION, A DISTANCE OF 953.52' TO A POINT OF CURVATURE FOR A CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 53°42'51", A RADIUS OF 520.00', AN ARC LENGTH OF 487.49' ON A EAST LINE OF SAID OUTLOT "A", SAID LINE BEING A WEST LINE OF OUTLOT "E", FIRETHORN 17<sup>TH</sup> ADDITION, A CHORD LENGTH OF 469.84', A TANGENT LENGTH OF 263.32', AND A CHORD BEARING OF S27°05'04"W, TO A POINT; THENCE S53°56'30"W, ON A SOUTHEAST LINE OF SAID OUTLOT "A", SAID LINE BEING A NORTHWEST LINE OF SAID OUTLOT "E", A DISTANCE OF 52.25' TO A POINT; THENCE N36°03'30"W, ON A SOUTHWEST LINE OF SAID OUTLOT "A", SAID LINE BEING A NORTHEAST LINE OF SAID OUTLOT "E", A DISTANCE OF 176.02' TO A POINT OF CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 23°56'44", A RADIUS OF 906.62', AN ARC LENGTH OF 378.90' ON A SOUTHWEST LINE OF SAID OUTLOT "A", SAID LINE BEING A NORTHEAST LINE OF SAID OUTLOT "E", A CHORD LENGTH OF

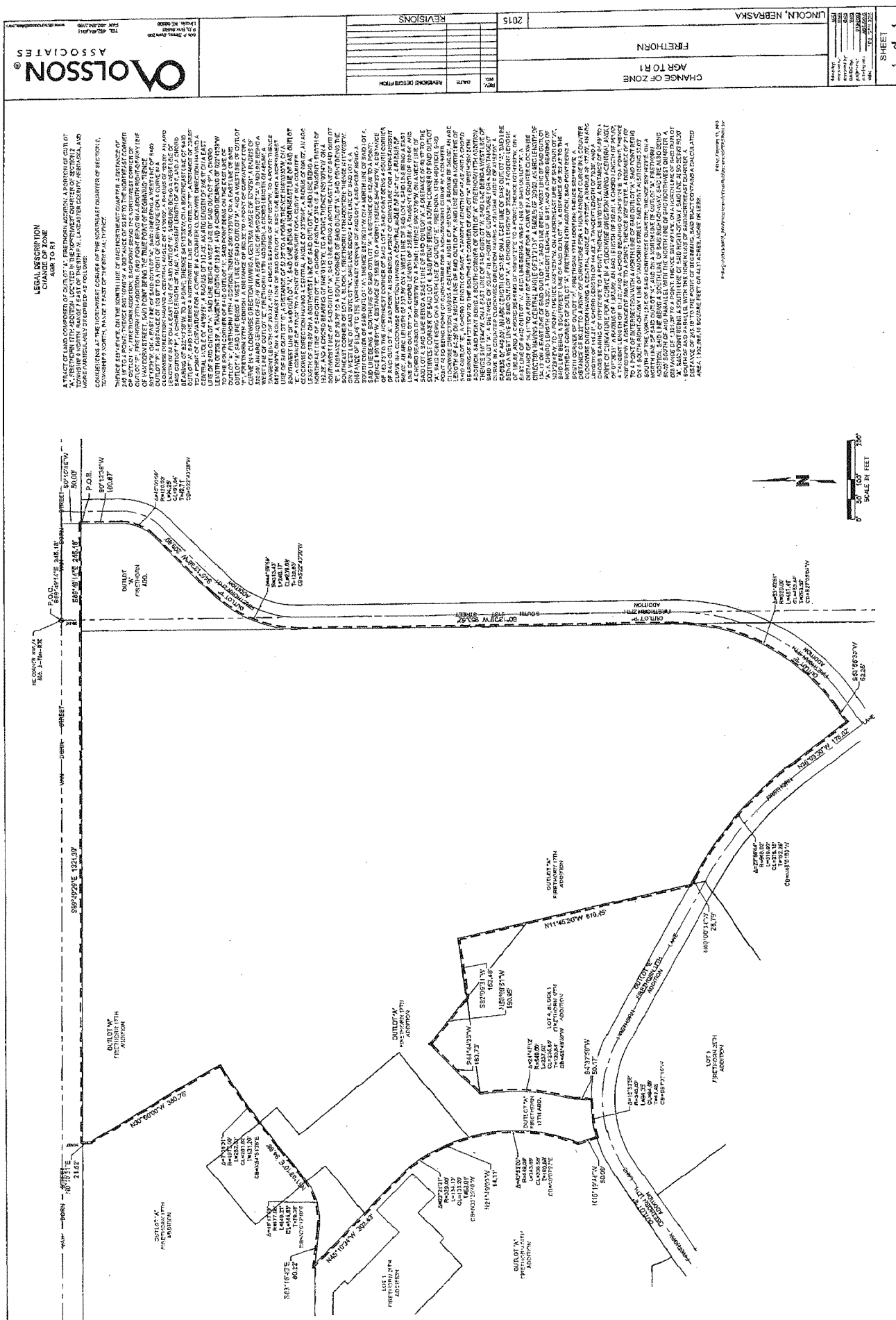


376.15', A TANGENT LENGTH OF 192.26', AND A CHORD BEARING OF N48°01'52"W, TO A POINT; THENCE N60°00'14"W, ON A SOUTHWEST LINE OF SAID OUTLOT "A", SAID LINE BEING A NORTHEAST LINE OF SAID OUTLOT "E", A DISTANCE OF 26.79' TO A SOUTH CORNER OF SAID OUTLOT "A", SAID POINT BEING THE SOUTHEAST CORNER OF LOT 4, BLOCK 1, FIRETHORN 17<sup>TH</sup> ADDITION; THENCE N11°46'20"W, ON A WEST LINE OF SAID OUTLOT "A", SAID LINE BEING A EAST LINE OF SAID LOT 4, A DISTANCE OF 610.45' TO THE NORTHEAST CORNER OF SAID LOT 4, SAID POINT BEING A SOUTH CORNER OF SAID OUTLOT "A"; THENCE S82°09'31"W, ON A NORTH LINE OF SAID LOT 4, SAID LINE BEING A SOUTH LINE OF SAID OUTLOT "A", A DISTANCE OF 152.48' TO A POINT; THENCE N50°08'51"W, A DISTANCE OF 150.95' TO A POINT; THENCE S44°44'23"W, A DISTANCE OF 183.73' TO THE NORTHWEST CORNER OF SAID LOT 4, SAID POINT BEING A SOUTH CORNER OF SAID OUTLOT "A", SAID POINT ALSO BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 24°47'12", A RADIUS OF 549.00', AN ARC LENGTH OF 237.50' ON A WEST LINE OF SAID LOT 4, SAID LINE BEING A EAST LINE OF SAID OUTLOT "A", A CHORD LENGTH OF 235.65', A TANGENT LENGTH OF 120.64', AND A CHORD BEARING OF S03°46'59"W TO A POINT; THENCE S04°37'58"W, ON A WEST LINE OF SAID LOT 4, SAID LINE BEING A EAST LINE OF SAID OUTLOT "A", A DISTANCE OF 50.17' TO THE SOUTHWEST CORNER OF SAID LOT 4, SAID POINT BEING A SOUTH CORNER OF SAID OUTLOT "A", SAID POINT BEING ON A NORTH LINE OF OUTLOT "E", FIRETHORN 17<sup>TH</sup> ADDITION, SAID POINT ALSO BEING POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 15°53'58", A RADIUS OF 340.00', AN ARC LENGTH OF 94.35' ON A SOUTH LINE OF SAID OUTLOT "A", SAID LINE BEING A NORTH LINE OF SAID OUTLOT "E", A CHORD LENGTH OF 94.05', A TANGENT LENGTH OF 47.48', AND A CHORD BEARING OF S81°37'15"W TO THE SOUTHEAST CORNER OF OUTLOT "A", FIRETHORN 24<sup>TH</sup> ADDITION, SAID POINT BEING A SOUTH CORNER OF OUTLOT "A", FIRETHORN 17<sup>TH</sup> ADDITION; THENCE N16°19'44"W, ON A EAST LINE OF SAID OUTLOT "A", SAID LINE BEING A WEST LINE OF SAID OUTLOT "A", A DISTANCE OF 50.00' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 43°53'00", A RADIUS OF 449.00', AN ARC LENGTH OF 343.89' ON A EAST LINE OF SAID OUTLOT "A", SAID LINE BEING A WEST LINE OF SAID OUTLOT "A", A CHORD LENGTH OF 335.55', A TANGENT LENGTH OF 180.88', AND A CHORD BEARING OF N00°07'27"E TO A POINT; THENCE N21°49'03"W, ON A EAST LINE OF SAID OUTLOT "A", SAID LINE BEING A WEST LINE OF SAID OUTLOT "A", A DISTANCE OF 14.11' TO A POINT OF CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 23°21'31", A RADIUS OF 329.00', AN ARC LENGTH OF 134.13' ON A EAST LINE OF SAID OUTLOT "A", SAID LINE BEING A WEST LINE OF SAID OUTLOT "A", A CHORD LENGTH OF 133.20', A TANGENT LENGTH OF 68.01', AND A CHORD BEARING OF N33°29'49"W, TO A POINT; THENCE N45°10'34"W, ON A NORTHEAST LINE OF SAID OUTLOT "A", SAID LINE BEING A SOUTHWEST LINE OF SAID OUTLOT "A", A DISTANCE OF 302.43' TO THE NORTHEAST CORNER OF OUTLOT "A", FIRETHORN 24<sup>TH</sup> ADDITION, SAID POINT BEING A SOUTH CORNER OF OUTLOT "A", FIRETHORN 17<sup>TH</sup> ADDITION; THENCE S83°16'49"E, A DISTANCE OF 80.22' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 48°17'59", A RADIUS OF 177.00', AN ARC LENGTH OF 149.21', A CHORD LENGTH OF 144.83',

A TANGENT LENGTH OF 79.36', AND A CHORD BEARING OF N75°12'10"E TO A POINT; THENCE N51°03'10"E, A DISTANCE OF 94.98' TO A POINT OF CURVATURE FOR A CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 07°36'31", A RADIUS OF 1,973.00', AN ARC LENGTH OF 262.01', A CHORD LENGTH OF 261.82', A TANGENT LENGTH OF 131.20', AND A CHORD BEARING OF N54°51'26"E, TO A POINT; THENCE N30°00'00"W, A DISTANCE OF 380.76' TO A POINT; THENCE N00°10'31"E, A DISTANCE OF 21.62' TO A POINT OF INTERSECTION WITH A NORTH LINE OF SAID OUTLOT "A", SAID POINT BEING ON A SOUTH RIGHT-OF-WAY LINE OF VAN DORN STREET, SAID POINT ALSO BEING 50.00' SOUTH OF THE NORTH LINE OF SAID NORTHWEST QUARTER; THENCE S89°49'29"E, ON A NORTH LINE OF SAID OUTLOT "A", AND ON A NORTH LINE OF OUTLOT "A", FIRETHORN ADDITION, SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 50.00' SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1,321.39' TO A POINT; THENCE S89°49'14"E, ON A NORTH LINE OF SAID OUTLOT "A", SAID POINT BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 50.00' SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 245.18' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 1,932,565.10 SQUARE FEET OR 44.37 ACRES, MORE OR LESS.

Friday, February 13, 2015

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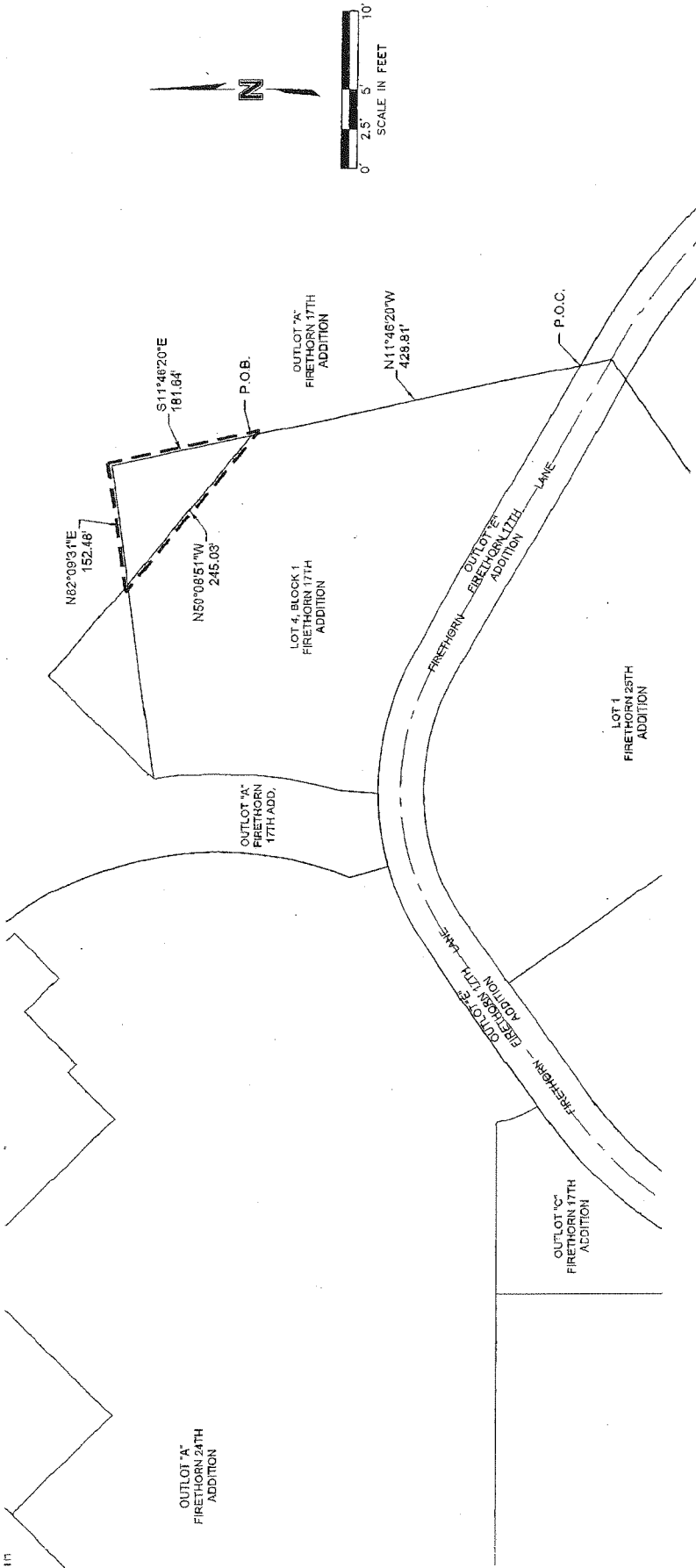
**LEGAL DESCRIPTION  
CHANGE OF ZONE  
O3 TO R1**

A TRACT OF LAND COMPOSED OF A PORTION OF LOT 4, BLOCK 1, FIRETHORN 17<sup>TH</sup> ADDITION, LOCATED IN THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 4, BLOCK 1, FIRETHORN 17<sup>TH</sup> ADDITION, SAID POINT BEING A WEST CORNER OF OUTLOT "A", FIRETHORN 17 ADDITION; THENCE NORTHERLY ON THE EAST LINE OF SAID LOT 4, SAID LINE BEING A WEST LINE OF SAID OUTLOT "A", ON AN ASSUMED BEARING OF N11°46'20"W, A DISTANCE OF 428.81' TO **THE TRUE POINT OF BEGINNING**; THENCE N50°08'51"W, A DISTANCE OF 245.03' TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID LOT 4, SAID POINT BEING ON A SOUTH LINE OF SAID OUTLOT "A"; THENCE N82°09'31"E, ON THE NORTH LINE OF SAID LOT 4, SAID LINE BEING A SOUTH LINE OF SAID OUTLOT "A", A DISTANCE OF 152.48' TO THE NORTHEAST CORNER OF SAID LOT 4, SAID POINT BEING A SOUTH CORNER OF SAID OUTLOT "A"; THENCE S11°46'20"E, ON THE EAST LINE OF SAID LOT 4, SAID LINE BEING A WEST LINE OF SAID OUTLOT "A", A DISTANCE OF 181.64' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 13,815.39 SQUARE FEET OR 0.32 ACRES, MORE OR LESS.

Tuesday, February 03, 2015

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**LEGAL DESCRIPTION  
CHANGE OF ZONE  
O3 TO R1**

A TRACT OF LAND COMPOSED OF A PORTION OF LOT 4, BLOCK 1, FIRETHORN 17TH ADDITION, LOCATED IN THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 4, BLOCK 1, FIRETHORN 17TH ADDITION, SAID POINT BEING A WEST CORNER OF OUTLOT "A", FIRETHORN 17TH ADDITION, THENCE NORTHERLY ON THE EAST LINE OF SAID LOT 4, SAID LINE BEING A WEST LINE OF SAID OUTLOT "A", ON AN ASSUMED BEARING OF N11°48'20"W, A DISTANCE OF 429.81' TO THE TRUE POINT OF BEGINNING; THENCE N82°09'31"E, A DISTANCE OF 245.03' TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID LOT 4, SAID POINT BEING ON A SOUTH LINE OF SAID OUTLOT "A"; THENCE N82°09'31"E, ON THE NORTH LINE OF SAID LOT 4, SAID LINE BEING A SOUTH LINE OF SAID OUTLOT "A", A DISTANCE OF 152.48' TO THE NORTHEAST CORNER OF SAID LOT 4, SAID POINT BEING A SOUTH CORNER OF SAID OUTLOT "A"; THENCE S11°48'20"E, ON THE EAST LINE OF SAID LOT 4, SAID LINE BEING A WEST LINE OF SAID OUTLOT "A", A DISTANCE OF 181.64' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 13,915.39 SQUARE FEET OR 0.32 ACRES, MORE OR LESS.

Traverse: E:\Survey\2015  
F:\Project\13-2883\_Survey\Task\06\Final map\Doc\Drawings\2015\06\17.dwg

PROJECT NO: 015-2883  
DRAWN BY: MRJ  
DATE: FEB. 4TH, 2015

**FIRETHORN CHANGE OF ZONE  
AGR TO O3**

**OLSSON ASSOCIATES**  
REGISTERED PROFESSIONAL SURVEYORS  
SINCE 1957  
1000 S. 10TH STREET  
LINCOLN, NE 68502  
PH: 402.476.1234  
FAX: 402.476.1235  
WWW.OLSSON-NE.COM

EXHIBIT  
A

**LEGAL DESCRIPTION  
CHANGE OF ZONE  
AGR TO O3**

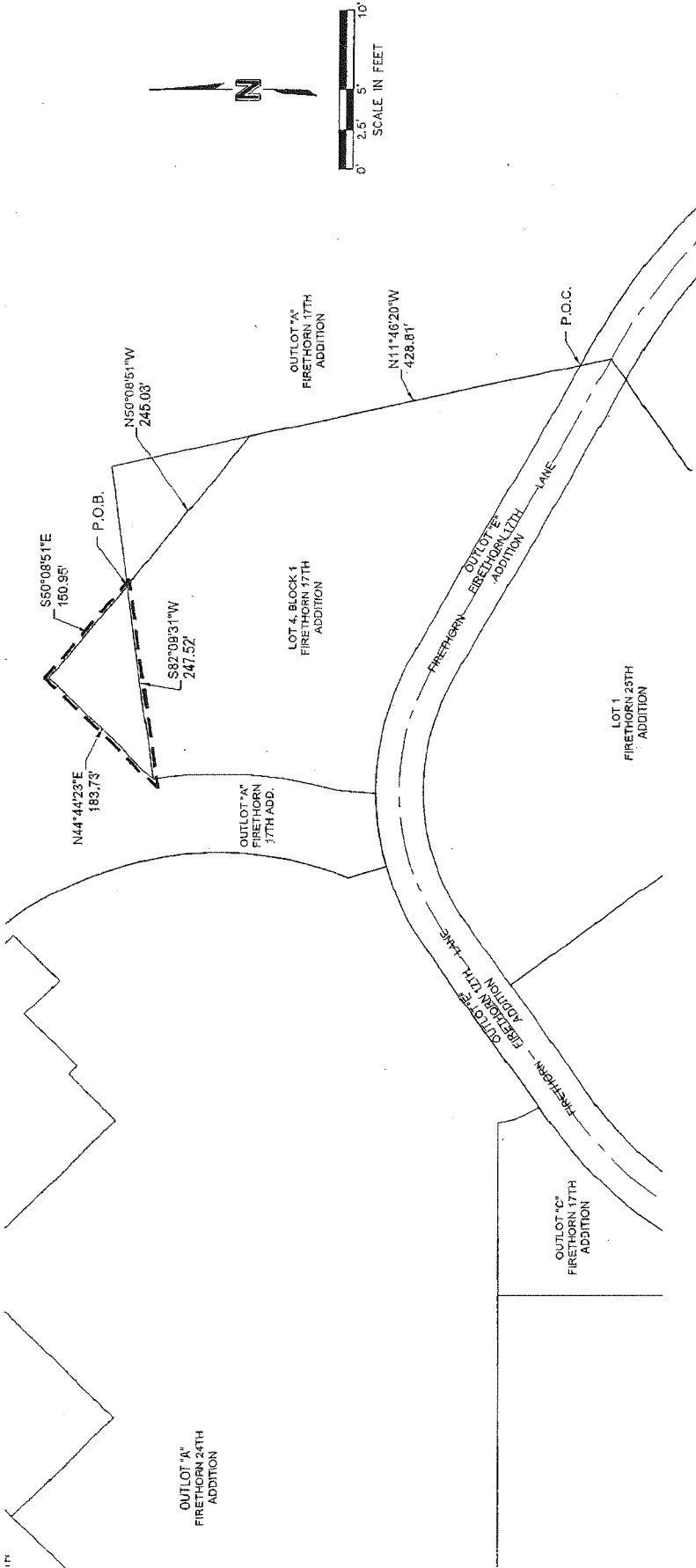
A TRACT OF LAND COMPOSED OF A PORTION OF OUTLOT "A", FIRETHORN 17<sup>TH</sup> ADDITION, LOCATED IN THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 4, BLOCK 1, FIRETHORN 17<sup>TH</sup> ADDITION, SAID POINT BEING A WEST CORNER OF OUTLOT "A", FIRETHORN 17 ADDITION; THENCE NORTHERLY ON THE EAST LINE OF SAID LOT 4, SAID LINE BEING A WEST LINE OF SAID OUTLOT "A", ON AN ASSUMED BEARING OF N11°46'20"W, A DISTANCE OF 428.81' TO A POINT; THENCE N50°08'51"W, A DISTANCE OF 245.03' TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID LOT 4, SAID POINT BEING ON A SOUTH LINE OF SAID OUTLOT "A", SAID POINT BEING **THE TRUE POINT OF BEGINNING**; THENCE S82°09'31"W, ON THE NORTH LINE OF SAID LOT 4, SAID LINE BEING A SOUTH LINE OF SAID OUTLOT "A", A DISTANCE OF 247.52' TO THE NORTHWEST CORNER OF SAID LOT 4, SAID POINT BEING A SOUTH CORNER OF SAID OUTLOT "A"; THENCE N44°44'23"E, A DISTANCE OF 183.73' TO A POINT; THENCE S50°08'51"E, A DISTANCE OF 150.95' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 13,816.7920 SQUARE FEET OR 0.32 ACRES, MORE OR LESS.

Tuesday, February 03, 2015

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# LEGAL DESCRIPTION CHANGE OF ZONE AGR TO O3

A TRACT OF LAND COMPOSED OF A PORTION OF OUTLOT 'A', FIRETHORN 17TH ADDITION, LOCATED IN THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 8TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 4, BLOCK 1, FIRETHORN 17TH ADDITION, SAID POINT BEING A WEST CORNER OF OUTLOT 'A', FIRETHORN 17TH ADDITION, AND PROCEEDING IN THE FOLLOWING ORDER: (1) A LINE BEING THE WEST LINE OF SAID OUTLOT 'A', ON AN ASSUMED BEARING OF N11°46'20"W, A DISTANCE OF 428.81' TO A POINT; THENCE N50°08'51"W, A DISTANCE OF 245.03' TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID LOT 4, SAID POINT BEING ON A SOUTH LINE OF SAID OUTLOT 'A', SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE S82°09'31"W, ON THE NORTH LINE OF SAID LOT 4, SAID LINE BEING A SOUTH LINE OF SAID OUTLOT 'A', A DISTANCE OF 247.52' TO THE NORTHWEST CORNER OF SAID LOT 4, SAID POINT BEING A SOUTH CORNER OF SAID OUTLOT 'A'; THENCE N44°44'23"E, A DISTANCE OF 183.73' TO A POINT; THENCE S50°08'51"E, A DISTANCE OF 150.95' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 13,816.7920 SQUARE FEET OR 0.32 ACRES, MORE OR LESS.

Thursday, February 05, 2015  
F:\Project\013-12633\_Survey\Map\K&E\Final\Map\013-12633-01.dwg

## FIRETHORN CHANGE OF ZONE AGR TO O3

PROJECT NO: 013-12633  
DRAWN BY: MJC  
DATE: FEB. 4TH, 2015

**OLSSON ASSOCIATES**  
A  
EXHIBIT

**LEGAL DESCRIPTION  
USE PERMIT AND CHANGE  
OF ZONE FROM AGR TO O3**

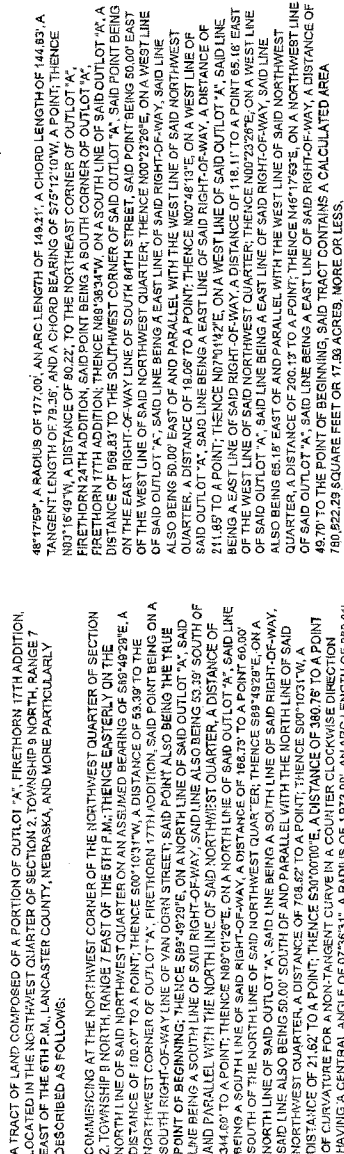
A TRACT OF LAND COMPOSED OF A PORTION OF OUTLOT "A", FIRETHORN 17<sup>TH</sup> ADDITION, LOCATED IN THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6<sup>TH</sup> P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6<sup>TH</sup> P.M.; THENCE EASTERLY ON THE NORTH LINE OF SAID NORTHWEST QUARTER ON AN ASSUMED BEARING OF S89°49'29"E, A DISTANCE OF 100.07' TO A POINT; THENCE S00°10'31"W, A DISTANCE OF 53.39' TO THE NORTHWEST CORNER OF OUTLOT "A", FIRETHORN 17<sup>TH</sup> ADDITION, SAID POINT BEING ON A SOUTH RIGHT-OF-WAY LINE OF VAN DORN STREET; SAID POINT ALSO BEING **THE TRUE POINT OF BEGINNING**; THENCE S89°49'29"E, ON A NORTH LINE OF SAID OUTLOT "A", SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 53.39' SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 344.69' TO A POINT; THENCE N89°01'26"E, ON A NORTH LINE OF SAID OUTLOT "A", SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 168.73' TO A POINT 50.00' SOUTH OF THE NORTH LINE OF SAID NORTHWEST QUARTER; THENCE S89°49'29"E, ON A NORTH LINE OF SAID OUTLOT "A", SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 50.00' SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 708.52' TO A POINT; THENCE S00°10'31"W, A DISTANCE OF 21.62' TO A POINT; THENCE S30°00'00"E, A DISTANCE OF 380.76' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 07°36'31", A RADIUS OF 1,973.00', AN ARC LENGTH OF 262.01', A CHORD LENGTH OF 261.82', A TANGENT LENGTH OF 131.20', AND A CHORD BEARING OF S54°51'26"W TO A POINT; THENCE S51°03'10"W, A DISTANCE OF 94.98' TO A POINT OF CURVATURE FOR A CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 48°17'59", A RADIUS OF 177.00', AN ARC LENGTH OF 149.21', A CHORD LENGTH OF 144.83', A TANGENT LENGTH OF 79.36', AND A CHORD BEARING OF S75°12'10"W, A POINT; THENCE N83°16'49"W, A DISTANCE OF 80.22', TO THE NORTHEAST CORNER OF OUTLOT "A", FIRETHORN 24<sup>TH</sup> ADDITION, SAID POINT BEING A SOUTH CORNER OF OUTLOT "A", FIRETHORN 17<sup>TH</sup> ADDITION; THENCE N89°36'34"W, ON A SOUTH LINE OF SAID OUTLOT "A", A DISTANCE OF 958.83' TO THE SOUTHWEST CORNER OF SAID OUTLOT "A", SAID POINT BEING ON THE EAST RIGHT-OF-WAY LINE OF SOUTH 84<sup>TH</sup> STREET, SAID POINT BEING 50.00' EAST OF THE WEST LINE OF SAID NORTHWEST QUARTER; THENCE N00°23'26"E, ON A WEST LINE OF SAID OUTLOT "A", SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 50.00' EAST OF AND PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 19.06' TO A POINT; THENCE N00°48'13"E, ON A WEST LINE OF SAID OUTLOT "A", SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 211.85' TO A POINT; THENCE N07°01'42"E, ON A WEST LINE OF SAID OUTLOT "A", SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, A

DISTANCE OF 118.11' TO A POINT 65.18' EAST OF THE WEST LINE OF SAID NORTHWEST QUARTER; THENCE  $N00^{\circ}23'26''E$ , ON A WEST LINE OF SAID OUTLOT "A", SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 65.18' EAST OF AND PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 200.13' TO A POINT; THENCE  $N45^{\circ}17'53''E$ , ON A NORTHWEST LINE OF SAID OUTLOT "A", SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 49.70' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 780,822.29 SQUARE FEET OR 17.93 ACRES, MORE OR LESS.

Thursday, February 12, 2015

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Monday, February 12, 2016  
S:\Project\1013-20831\_SAVM\last\Xm\afinal\Final Document\AJP\_Legal.doc

PROJECT NO: 013-2883	PROJECT NAME: FIREHORN	PROJECT LOCATION: USE PERMIT AND CHANGE OF ZONE AGR TO O3	PROJECT OWNER: A
DRAWN BY: MRU	DATE: FEB. 14, 2015	PROJECT LOCATION: FIREHORN	PROJECT OWNER: A